UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/561
17 July 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 July 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the claims made and excuses offered in the letter dated 21 June 1996 addressed to you by the Minister for Foreign Affairs of the Republic of Turkey (S/1996/479, annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-17783 (E) 170796 170796 180796

/...

Annex

Letter dated 13 July 1996 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I am apprised of the letter dated 21 June 1996 from the Minister for Foreign Affairs of Turkey addressed to you (S/1996/479, annex) in response to my letter of 28 May 1996 concerning the incursions into the territory and airspace of the Republic of Iraq being carried out by Turkish armed forces (S/1996/401, annex).

The claims on which the Turkish Government has sought to rely in order to justify its violations of Iraqi sovereignty have no basis either in law or in the actual state of affairs. It has tried to find justification for these violations in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970. It has chosen to overlook the fact that its launching of armed raids against Iraq violates the Declaration in its entirety. The Declaration proclaims "The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations" and that "States have a duty to refrain from acts of reprisal involving the use of force."

Turkey's claims constitute a gross violation of international humanitarian law, since they are known to have resulted in the killing of innocent Iraqi citizens and the destruction of private and public property. According to information that has recently reached the competent Iraqi authorities, Turkish armed forces killed 11 Iraqi Kurdish citizens in the area of Sardat Shakk on 10 June 1996 and then burned the corpses in an attempt to remove all trace of their crime. There can be no doubt that the gross violations of international law perpetrated by Turkish forces clearly reflect the infamous concept of State terrorism.

The excuses offered in the letter from the Minister for Foreign Affairs of Turkey bear no relation whatever to the reality on the ground. Indeed, the Turkish Government bears a significant part of the responsibility for the absence of any legitimate authority in northern Iraq through its cooperation and coordinated action with Iraqi Kurdish rebels and outlaws and the support it provides them. Such actions are in violation of the Charter of the United Nations and of the Declaration of Principles referred to above, which stipulates that "Every State has the duty to refrain from organizing, instigating or participating in acts of civil strife or terrorist acts in another State". Turkey also agrees to the deployment of United States and British strike forces in its territory for the purpose of intervening militarily in northern Iraq and preventing the Iraqi Government from exercising its national sovereignty there. Consequently, the Turkish Government cannot invoke the principle of necessity or the legitimate right to self-defence in reference to an anomalous situation that it has itself actively and directly participated in creating.

The Government of the Republic of Iraq once more categorically rejects the excuses offered by the Turkish Government and condemns the Turkish incursions as constituting a flagrant and serious violation of the sovereignty, security and territorial integrity of the Republic of Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq